

Message

From: Tabayoyong, Michelle [Tabayoyong.Michelle@epa.gov]
Sent: 5/11/2020 12:36:19 PM
To: Timothy Benton [tim.benton@westonsolutions.com]
CC: Pane, Mark [Pane.Mark@epa.gov]; Oldland, Colin [Oldland.Colin@epa.gov]; Hriczko, Bonnie [Hriczko.Bonnie@epa.gov]; Gaughan, Daniel [Gaughan.Daniel@epa.gov]
Subject: RE: Request for Issuance of a TD for the Canadian Radium & Uranium Litigation

Tim,

TD #0101 for the **Canadian Radium Litigation Support** was issued by the CO on December 11, 2019. For clarity of expectation purposes, the Program anticipates the tasks listed in the TD to be undertaken for a cost of no more than **\$21,267.79**. See below for cost breakdown.

Initial anticipated cost	=	\$ 10,000.00
First anticipated cost increase	=	\$ 3,392.79
Second anticipated cost increase	=	\$ 7,875.00
Current Anticipated Cost	=	\$21,267.79

EPA would like to be notified via email (to the OSC, with copies to Mark Pane, Michelle Tabayoyong and Bonnie Hriczko), if Weston expects to exceed those costs within the following 5 days.

Michelle

From: Tabayoyong, Michelle
Sent: Friday, January 24, 2020 3:40 PM
To: Benton, Tim <Tim.Benton@WestonSolutions.com>
Cc: Pane, Mark <Pane.Mark@epa.gov>; Oldland, Colin <Oldland.Colin@epa.gov>; Bonnie Hriczko <Hriczko.Bonnie@epa.gov>; Gaughan, Daniel <Gaughan.Daniel@epa.gov>
Subject: RE: Request for Issuance of a TD for the Canadian Radium & Uranium Litigation

Tim,

TD #0101 for the **Canadian Radium Litigation Support** was issued by the CO on December 11, 2019. For clarity of expectation purposes, the Program anticipates the tasks listed in the TD to be undertaken for a cost of no more than **\$13,392.79**. See below for cost breakdown.

Initial anticipated cost	=	\$ 10,000.00
First anticipated cost increase	=	\$ 3,392.79
Current Anticipated Cost	=	\$13,392.79

EPA would like to be notified via email (to the OSC, with copies to Mark Pane, Michelle Tabayoyong and Bonnie Hriczko), if Weston expects to exceed those costs within the following 5 days.

Michelle B. Tabayoyong
On Scene Coordinator
Removal Action Branch
U.S. EPA, Region 2
2890 Woodbridge Avenue
Edison, NJ 08837
Phone: 732-906-6934
Fax: 732-906-6182

From: Benton, Tim <Tim.Benton@WestonSolutions.com>
Sent: Thursday, January 23, 2020 7:56 AM
To: Pane, Mark <Pane.Mark@epa.gov>; Tabayoyong, Michelle <Tabayoyong.Michelle@epa.gov>

Cc: Grosvenor, Sarah <grosvenor.sarah@epa.gov>; Freeman, Hope <freeman.hope@epa.gov>

Subject: RE: Request for Issuance of a TD for the Canadian Radium & Uranium Litigation

Mark/Michelle,

Per the email below, back in December 2019 Weston retained outside counsel to represent our three employees and one subcontractor that subpoenas were issued to relating to the Canadian Radium & Uranium litigation. I had originally estimated that the cost of the outside counsel would not exceed \$10K. However, that estimate did not account for the outside counsel making any court appearances which did happen per the request of the DoJ and EPA attorneys. Our outside counsel and myself appeared in the federal courthouse in White Plains, NY, along with the DoJ and EPA attorneys, on December 13, 2019 with the intent to get the judge to quash the subpoenas that were issued to the three Weston employees and our subcontractor. The judge indeed quashed the subpoenas which ended this matter for Weston (no need to appear for the depositions). That unanticipated court hearing attended by our outside counsel added \$3,515.00 in cost to the overall invoice which was the driver that pushed us over the \$10K original estimate (see attached invoice). Weston is requesting that the cost ceiling for the TD that was issued for this matter (TO-0032-0101) be increased to **\$13,392.79** to cover the total invoiced cost associated with this matter. If you have any questions or would like to discuss this matter please let me know.

Thanks,

Tim

From: Pane, Mark [<mailto:Pane.Mark@epa.gov>]

Sent: Friday, December 6, 2019 2:52 PM

To: Benton, Tim <Tim.Benton@WestonSolutions.com>

Subject: RE: Request for Issuance of a TD for the Canadian Radium & Uranium Litigation

**** External Email ****

Tim,

Michelle is almost finished preparing the TD and will submit to Sarah for issuance.

Mark

From: Benton, Tim <Tim.Benton@WestonSolutions.com>

Sent: Friday, December 06, 2019 2:28 PM

To: Grosvenor, Sarah <grosvenor.sarah@epa.gov>; Pane, Mark <Pane.Mark@epa.gov>; Tabayoyong, Michelle <Tabayoyong.Michelle@epa.gov>

Subject: Request for Issuance of a TD for the Canadian Radium & Uranium Litigation

Sarah/Mark/Michelle,

I am requesting that a TD be issued for the support of the litigation relating to the Canadian Radium & Uranium Site. All of my time dealing with this matter up until this point has been captured as program management time under the contract. However, as Sarah is aware, we have retained outside counsel to submit the motions to hopefully get the subpoenas dismissed and there will be a cost that comes along with that. If the court throws out the subpoenas and there is no requirement for our employees to be deposed then the only cost relating to this TD would be the outside counsel fee for preparing and submitting the motions. If we are required to be deposed then our time and travel costs to mobilize to White Plains, NY for the deposition would also go against this TD. If you are agreeable to issue the TD then I would think that an assigned cost ceiling of \$10,000.00 should be enough to cover the effort, regardless if we need to be deposed or not. If you have any questions or comments please let me know.

Thanks,

Timothy Benton, CHMM
START V Program Manager
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Edison, New Jersey 08837
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